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Letter dated 6 November 2000 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council

On behalf of the unified command established pursuant to Security Council resolution 84 (1950) of 7 July 1950, I have the honour to submit a report of the United Nations Command concerning the status of the Korean Armistice mechanism and the activities of the United Nations Command Military Armistice Commission (see annex). It updates the previous report, submitted to the Security Council on 10 September 1998 (S/1998/844).

I request that the present letter, together with its annex, be circulated as a document of the Security Council.

(*Signed*) Richard C. **Holbrooke**

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Annex to the letter dated 6 November 2000 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council

Report of the activities of the United Nations Command for 1998

I. United Nations Command and its mission

1. The United Nations Security Council, in its resolution 82 (1950) of 25 June 1950, determined that the armed attack upon the Republic of Korea by forces of the Democratic People's Republic of Korea constituted a breach of the peace and called for an immediate cessation of hostilities. It further called upon the authorities of the Democratic People's Republic of Korea to recall forthwith their armed forces to North Korea. The Council, in its resolution 83 (1950) of 27 June 1950, having noted that the authorities of the Democratic People's Republic of Korea had neither ceased hostilities nor recalled their armed forces north of the 38th parallel, recommended that the Members of the United Nations furnish such assistance to the Republic of Korea as would be necessary to repel the armed attack and restore international peace and security in the area. Articles 39 and 42 of the Charter of the United Nations authorize the Council to take such action as may be necessary to maintain or restore international peace and security, including the conduct of military operations through air, sea or land forces of the Member States. On the basis of this authority, the Council, in its resolution 84 (1950) of 7 July 1950, recommended that all United Nations Member States make military forces and other assistance available to a unified command, requested the United States to designate a commander for the unified command and directed the unified command to provide the Security Council with reports, as appropriate, on the course of action taken under the unified command.

2. While looking at events within the constraints of an annual period does impose some artificiality, the present report provides a synopsis of the events of 1998 and attempts to objectively convey the impact of those events upon the efforts of the United Nations Command in maintaining the Korean Armistice Agreement.[1]

3. The authority granted the United Nations Command by the Security Council also included the authority to negotiate a military armistice to end the fighting on a basis consistent with United Nations objectives and principles. The Commander-in-Chief, United Nations Command, signed the Korean Armistice Agreement on 27 July 1953 on behalf of all the forces of the 16 participating Member States of the United Nations and those of the Republic of Korea, which had also fought under the flag of the United Nations. This Agreement, a military agreement between the opposing military commanders without a fixed expiration date, was intended to stop the Korean conflict and ensure a complete cessation of hostilities. It created a 4-kilometre-wide demilitarized zone, which ran 151 miles across the entire width of the Korean peninsula separating the combatants. This zone was in turn further divided 2 kilometres in from each side by a military demarcation line. Either side was permitted access to its 2-kilometre portion of the zone, but was expressly prohibited from crossing the military demarcation line.

4. The Armistice Agreement was intended to make possible a final peaceful settlement and assumes that this end will, in good faith, be pursued. The General Assembly, in its resolution 811 (IX) of 11 December 1954, noted that paragraph 62 of the Armistice Agreement provided that it should remain in effect until expressly superseded either by mutually acceptable amendments and additions or by provision in an appropriate agreement for a peaceful settlement at a political level between both sides. It also reaffirmed that the objectives of the United Nations remained the achievement by peaceful means of a unified, independent, and democratic Korea and the full restoration of international peace and security in the area. Under paragraph 17 of the Agreement, the signatories to the Agreement and their successors in command are responsible for compliance with and enforcement of the terms and provisions of the Agreement.

5. Today, the United Nations Command continues to carry out its functions and fulfil its obligations under the mandate of the Armistice Agreement. It will continue in this mission until the parties directly concerned with the Korean conflict can achieve a durable peace through political dialogue. Ten of the original sixteen Member States of the United Nations that provided military forces to the United Nations Command during the Korean War are still represented in Korea today. They are Australia, Canada, Colombia, France, the Netherlands, New Zealand, the Philippines, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

II. Armistice mechanism and procedures

6. The Armistice Agreement is the only legal regime for maintaining the ceasefire between the opposing military forces in Korea, and it affects the actions of both sides in the conflict. It is imperative that it be preserved until a more durable peace is achieved. The provisions of the Agreement are military in character and pertain solely to the belligerents in Korea. The Commander-in-Chief of the United Nations Command signed the Agreement on behalf of all military forces under the United Nations Command, while the Supreme Commander, Korean People's Army (KPA), and the Commander, Chinese People's Volunteers (CPV), signed the agreement on behalf of the opposing communist forces. It is the responsibility of the opposing military commanders to enforce the ceasefire by all forces in Korea and to establish measures and procedures to ensure compliance. In this connection, the opposing military commanders must maintain effective communication to preclude possible incidents and to de-escalate situations resulting from incidents.

A. Military Armistice Commission

7. The Armistice Agreement established the Military Armistice Commission (MAC) to supervise the implementation of this Agreement and to settle through negotiations any violations of the Agreement. The Commission was created as a joint organization without a chairman, composed of 10 military members: five senior officers from the United Nations Command and five senior officers from KPA/CPV. In accordance with paragraph 20 of the Agreement, the Commander-in-Chief of the United Nations Command appoints five senior officers, historically drawn from the Republic of Korea, the United States, the United Kingdom and other Member States still represented in the Command. At the request of either side, MAC meetings are held in the joint security area, more commonly known as Panmunjom, in the Korean demilitarized zone. On 28 April 1994, however, the KPA MAC Secretary announced that KPA would cease participation in all MAC activities. Its rejection of MAC continued throughout 1998.

8. The Armistice Agreement permitted each side to appoint a Secretary, an Assistant Secretary, and other special assistants as required to perform functions in support of MAC. Under the Agreement, the United Nations Command and the KPA/CPV MAC Secretaries are authorized to conduct their own meetings as required, which normally serve as the basic channel of communication between the two sides. During 1998 KPA met only selectively and informally with the United Nations Command, and only when it met their needs. They routinely rejected meetings called by the Command on issues related to the Armistice Agreement.

9. The Joint Duty Office under the MAC Secretariat, located in the joint security area, maintains a 24-hour telephone link between the two sides. Until April 1994, the joint duty officers also met as required. On 28 April 1994, however, the KPA MAC Secretary delivered a message to the United Nations Command stating that KPA had decided to recall all remaining KPA MAC members and staff personnel and to cease participation in MAC activities, and that it would no longer recognize the United Nations Command MAC members as a counterpart. Further, KPA announced its intention to send a new team, appointed by its Supreme Commander, to contact the "U.S. military" to discuss pending military issues, including a new "durable peace-ensuring system" to replace MAC.

10. On 1 September 1994, the Foreign Ministry of China announced in Beijing that it had decided to recall its delegation to MAC at Panmunjom. This followed the example set earlier in 1994 by KPA when it withdrew its delegation. On 15 December 1994, the CPV delegation departed Pyongyang for Beijing.

11. The United Nations Command has continued to attempt to present credentials for personnel newly assigned to MAC. Since the announced withdrawal of

KPA from MAC in April 1994, however, it has refused to accept any credentials from the United Nations Command.

12. MAC is authorized by paragraph 27 of the Armistice Agreement to dispatch joint United Nations Command-KPA/CPV observer teams to investigate reported violations of the Agreement in the demilitarized zone. KPA has frustrated this important investigative function, refusing to participate in any investigations proposed by the United Nations Command. With a single exception, in October 1997, KPA has not participated in any joint investigations of serious incidents in the demilitarized zone since April 1967. The United Nations Command continues to dispatch its observer teams into its portion of the zone to ensure that its forces are in compliance with the Agreement, and it is prepared to conduct unilateral investigations of alleged armistice violations in the demilitarized zone. The liaison officers from the Member States still represented in the United Nations Command and officers from the Republic of Korea Advisory Group participate in these special investigative team activities in the demilitarized zone. In 1998, despite numerous reports from the Korean Central News Agency to the contrary, the demilitarized zone has remained relatively quiet. The United Nations Command dispatched its joint observer teams and special investigative teams to Command guard posts and observation posts within or along the demilitarized zone on 65 occasions in 1998 to ensure continued compliance with Armistice Agreement provisions pertaining to the zone. In addition, the United Nations Command dispatched seven separate special investigative teams to determine the facts associated with alleged Armistice violations.

13. There have been no formal plenary sessions of MAC since the 459th meeting on 13 February 1991. Nevertheless, the United Nations Command and KPA continued to meet in Panmunjom at the Secretary, staff officer and joint duty officer levels.

14. On 3 October 1995, the KPA representatives at Panmunjom refused to accept a United Nations Command message concerning the illegal crossing of the military demarcation line by two civilians without prior coordination. Since then, KPA has refused to acknowledge responsibility for messages containing any reference to a violation of the Armistice Agreement, citing the absence of a KPA organ to deal with Armistice issues.

15. On 4 April 1996, KPA announced that it would no longer accept responsibility for the maintenance and administration of the demilitarized zone and the military demarcation line. Following the announcement, the KPA guard force in the joint security area removed the distinctive insignia specified in the Armistice Agreement and the subsequent Agreement on the MAC Headquarters Area. KPA personnel and vehicles have continued to operate throughout the northern sector of the demilitarized zone without displaying the appropriate distinctive insignia required by the Armistice Agreement.

16. There were five key personnel changes in the United Nations Command MAC in 1998. In April, Brigadier General Keum Ki Youn, Republic of Korea Air Force, replaced Brigadier General Ahn Byong Gul, Republic of Korea Air Force, as the Republic of Korea member. In October, Brigadier General John Baker, British Army, replaced Brigadier General Colin Parr, British Army, as the United Kingdom member. In May, Special Colonel Sinchai Samanthap, Royal Thailand Army, replaced Colonel Angel G. Atutubo, Philippine Army, as the rotating member. In November, Captain John Moore, Royal Australian Navy, replaced Special Colonel Sinchai. In July, Colonel Donald Kropp, United States Army, replaced Colonel Thomas R. Riley, United States Army, as the United Nations Command MAC Secretary.

B. Senior United Nations Command member of the Military Armistice Commission

17. In accordance with paragraph 20 of the Armistice Agreement, the Commander-in-Chief of the United Nations Command appointed Major General Ha Jae Pyung, Republic of Korea Army, as the United Nations Command Senior Member (spokesman) of the Military Armistice Commission, in November 1998. Since 1992, KPA has repeatedly refused to meet with the senior member, stating: "the South Korean Army is neither a signatory to the Armistice Agreement nor a member of the United Nations Command, and cannot represent the whole armed forces now in South Korea".

18. This North Korean argument is flawed. The Commander-in-Chief of the United Nations Command signed the Armistice Agreement as Commander of all United Nations Command forces, including 16 United

Nations Member States and the Republic of Korea. Neither individual nations nor their military forces are signatories to the Agreement. During negotiations and after the signing of the Agreement, KPA/CPV specifically requested assurances from the Republic of Korea that it would abide by the terms of the Agreement, saying that the ceasefire would not work unless the Republic of Korea abided by it. The United Nations Command relayed such assurances to KPA/CPV.

19. Today, the Republic of Korea provides "police" throughout the entire United Nations Command (southern) portion of the demilitarized zone to maintain the Armistice. In addition, Republic of Korea senior military officers have regularly served as MAC members for the past 46 years. The Armistice Agreement does not address MAC membership by either nationality or United Nations affiliation, nor does it give guidelines for designating a senior member. Each side's commander has discretionary authority to appoint members, and those appointments are not subject to approval by the other side. Further, the appointment of a Republic of Korea general officer as the United Nations Command senior member of MAC does not transfer the Commander-in-Chief's Armistice maintenance responsibilities to either the Government of the Republic of Korea or its armed forces. In addition, as the United Nations Command signatory to the Armistice Agreement, the Commander-in-Chief is ultimately responsible for ensuring that all United Nations Command forces comply with its provisions.

20. Article 5 of the Agreement on Reconciliation, Non-aggression and Exchanges and Cooperation between the South and the North (S/23351, annex), effective 19 February 1992, stipulates: "The two sides shall endeavour together to transform the present state of armistice into a solid state of peace between the South and North and shall abide by the present Military Armistice Agreement (27 July 1953) until such a state of peace has been realized." Thus, the Armistice Agreement between the military commanders remains the only legal mechanism to ensure the ceasefire until it is replaced by a more durable peace between the Republic of Korea and the Democratic People's Republic of Korea. The KPA Supreme Commander is legally obligated to respect the terms of the agreement signed in 1953, recognize the United Nations Command senior member, send representatives to plenary MAC meetings to discuss Armistice-related issues and help to promote peace and stability on the Korean peninsula. The joint United Nations Command-KPA/CPV MAC remains an integral part of the Korean Armistice Agreement, despite KPA statements to the contrary.

C. Neutral Nations Supervisory Commission

21. The Neutral Nations Supervisory Commission was established in accordance with paragraphs 36 and 37 of the Armistice Agreement, and was originally composed of four senior officers from "neutral nations", two nominated by the United Nations Command and two by KPA/CPV. The Commander-in-Chief of the United Nations Command nominated Sweden and Switzerland, and the Supreme Commander, KPA, and the Commander, CPV, nominated Poland and Czechoslovakia. The Armistice Agreement defines "neutral nations" as countries whose combatant forces did not participate in the Korean conflict. The Commission's primary function is to conduct independent inspections and investigations of Armistice violations outside the demilitarized zone and to report its findings to MAC.

22. KPA/CPV reluctantly agreed to an inspection system proposed by the United Nations Command. They have, however, undermined the Commission's function since the signing of the Armistice Agreement by shipping into North Korea reinforcing modern weapons and equipment, completely bypassing the designated ports of entry, in violation of paragraph 13 (d) of the Agreement.

23. Since March 1991, KPA has stopped providing required reports to MAC and the Commission in accordance with paragraphs 13 (c) and (d) of the Agreement, which prohibit the introduction into Korea of reinforcing arms and military personnel.

24. On 10 April 1993, following the January 1993 split of Czechoslovakia into two separate States, the Democratic People's Republic of Korea forced the Czech delegation to the Neutral Nations Supervisory Commission to withdraw from the north. Further, KPA started pressuring the Polish delegation to withdraw, cut off protocol contacts and began harassing them to make their life difficult.

25. In November 1994, the Democratic People's Republic of Korea officially informed the Ministry of Foreign Affairs of Poland that it was terminating its membership in the Commission. Despite formal protests from the Commission unanimously declaring the measures announced by KPA a blatant violation of the Armistice Agreement, paragraphs 13 (g), (h) and (j), which would be viewed negatively in the eyes of the international community, the Polish delegation was forced to evacuate its camp at Panmunjom on 28 February 1995. On 3 May 1995, KPA closed the Commission buildings it controlled on Conference Row and suspended free movement across the military demarcation line into the northern part of the neutral joint security area of the remaining Commission members and United Nations Command MAC personnel. KPA has not nominated replacements and today maintains that the Commission no longer exists.

26. Throughout 1998, the Commission — now represented by only two neutral nations in residence: Sweden and Switzerland — held weekly meetings in the joint security area to review and evaluate reports provided by the United Nations Command regarding the number of arriving and departing military personnel. The Polish member returns to Panmunjom quarterly from Warsaw, meeting with the Swiss and Swedish members to demonstrate its continuing support to the Commission and to maintenance of the Armistice.

27. Although restrictions imposed by the Democratic People's Republic of Korea have severely curtailed the ability of the Commission to carry out its mission, the Commission remains an important part of the Armistice Agreement. KPA has been aggressive in its effort to disestablish the Commission and MAC in order to undermine the foundation of the Armistice. The international community, in order to preserve and maintain the existing Armistice, must continue to oppose these attempts by North Korea, which are contrary to the letter and spirit of the Agreement, until it is replaced by a more durable peace. The United Nations Command in 1993 called upon KPA to nominate a successor to Czechoslovakia and to restore support to the Polish member. It has not responded. Although the activities of the Commission have been curtailed over the years as a result of KPA actions, the presence of "neutral" representatives provides a stabilizing influence on the activities of the opposing sides. The United Nations Command believes, therefore, that the Commission should continue to be an integral part of the Korean Armistice and will keep the Security Council informed of further developments on this issue in future reports.

D. United Nations Command remains an issue

28. Paragraph 20 of the Understanding on the return of Korean War remains, agreed upon in 1954, stipulates that, in the event that either side discovers in its territory bodies of military personnel belonging to the other side after the termination of this understanding, the delivery and reception of such bodies shall be arranged through the Secretaries of both sides of the Military Armistice Commission. Since 1954, KPA has refused to accept any Armistice-related responsibility for returning remains and has consistently rejected any request of the United Nations Command for more information concerning those still missing from the war. However, in the late 1980s KPA began demonstrating a willingness to cooperate with United States government representatives in repatriating remains from the war.

29. KPA began unilaterally recovering and repatriating Korean War remains to the United Nations Command in 1990. Between 20 May 1990 and 13 September 1994, KPA returned a total of 208 sets of what it claimed were United Nations Command Korean War remains. The United Nations Command sent those remains to the United States Army Central Identification Laboratory in Hawaii for positive identification. Owing to the lack of complete documentation on excavation data and the commingling of remains, the identification process proved extremely difficult. Accordingly, on 7 October 1994, the United Nations Command asked KPA to suspend further unilateral recovery operations until they could reach an agreement on conducting joint recoveries in North Korea. Although the laboratory determined that all of the 208 sets of remains were human, it positively identified only seven. KPA also returned one additional set of unilaterally recovered remains, believed to be those of a British soldier, on 30 October 1995.

30. In 1996, KPA and the United States Government reached an agreement on the Korean War remains issue. The United States Government agreed to compensate KPA for costs associated with the recovery

of remains returned between 1990 and 1994. In turn, KPA agreed to allow a team from the Central Identification Laboratory in Hawaii to participate in two joint recovery operations in North Korea near the military demarcation line. The first joint remains recovery operation discovered one set of remains of a United States soldier, who was returned under United Nations Command honours in Panmunjom on 29 July 1996. The laboratory positively identified the soldier's remains in September 1996.

31. In 1997, during three separate joint recovery operations, United States and North Korean personnel discovered the remains of six United States soldiers killed during the Korean War. The Korean People's Army repatriated all the remains to the United Nations Command MAC through Panmunjom.

32. In 1998, United States and North Korean personnel conducted five separate joint recovery operations in the north. On 15 May, at the first scheduled repatriation, KPA did not attend, refusing to return the remains. At a subsequent Secretary-level meeting, KPA blamed the United Nations Command for there being no repatriation because of the Command's insincere attitude towards the general officer talks. The United Nations Command made concessions to KPA on the wording of the general officer procedures document, agreeing to remove all references to MAC and to have the senior officer (a United States Major General) be the United Nations Command head of delegation. Subsequently, KPA agreed to return the remains to the Command in Panmunjom. KPA complied with the United States-Democratic People's Republic of Korea agreement for the remaining 4 repatriations, and the remains of 22 United Nations Command soldiers killed during the Korean War were returned to the United Nations Command MAC through Panmunjom. The United Nations Command remains committed to receiving a full accounting of all those still unaccounted for from the war.

E. Armistice compliance

33. Throughout 1998, the United Nations Command deployed special investigative teams into the demilitarized zone to monitor Armistice compliance and investigate Armistice violation charges for the Commander-in-Chief of the United Nations Command inside or along the 151-mile southern boundary of the demilitarized zone. Seven of those missions were to investigate possible violations of the Armistice Agreement. In every instance where the United Nations Command component of MAC attempted to deliver reports of violations, KPA refused to accept them. There were charges of routine sightings of KPA soldiers carrying unauthorized weapons in the demilitarized zone and of KPA soldiers not wearing distinctive civil police markings. The quantity of these violations is so large as to skew the intent of the report. A chronology of the six major KPA incidents for 1998 follows:

(a) Early in the year, an incident occurred in the United States of America that had the potential for escalating into a far more dangerous situation. On the morning of 3 February, a KPA guard left his guard post in the joint security area feigning illness. He made his way unobserved through brush on the northern side of the joint security area and crossed the military demarcation line into the southern side. The KPA guard continued moving south utilizing terrain masking and finally surrendered to a United Nations Command guard at the joint security area entry checkpoint, whereupon he was transported to Camp Bonifas. During the investigation, the special investigative team videotaped an interview between the Swedish member of the Neutral Nations Supervisory Commission and the KPA soldier, who clearly stated his intention to defect to the south. It was nearly three hours before KPA discovered the disappearance of its guard, at which time it called the first in a series of Secretary-level meetings with the United Nations Command. Tensions were extremely high between the two sides in the joint security area, as initially KPA accused the United Nations Command of kidnapping their soldier. At one point, KPA even threatened to kidnap a United States soldier then claim he had defected. After reviewing the videotaped interview between the Swedish member of the Commission and the KPA soldier, KPA dropped its kidnapping accusations and focused in the meetings on how to get the soldier back and maintain damage control for themselves. Although the United Nations Command and KPA discussed a number of ideas on how to reduce tension in the joint security area because of the defection, no substantive actions were taken. The United Nations Command eventually turned the KPA soldier over to the Government of the Republic of Korea, and KPA dropped the issue;

(b) On 12 March a United Nations Command guard post observed a KPA patrol crossing the military demarcation line moving south-west, nearly 40 to 50 metres into the Republic of Korea. The United Nations Command guard broadcast seven separate warnings for the patrol to return north, but KPA ignored them. Command guards then fired warning shots near the patrol, which then proceeded to return north;

(c) On 11 June a United Nations Command guard post reported hearing a three-to-four round burst of automatic weapon fire, which was followed by a single round impacting the top of the observation tower. The angle and trajectory at which the projectile struck the tower placed it on a direct line of sight with a KPA guard post located 850 metres north-west of the United Nations Command guard post. There was no observed muzzle flash or other visible weapon signature, although visibility was clear at the time. Immediately following the firing, the United Nations Command guard broadcast four warnings to KPA. The incident could have been the result of an accidental discharge, but a very good possibility exists that it was intentional. Damage to the tower was minor and superficial, and there were no injuries to personnel because of the incident;

(d) One of the most significant incidents of 1998 occurred on 22 June, when an unmarked, armed, North Korean Yugo-class submarine was captured in the Republic of Korea territorial waters near the city of Sokcho, more than 26 nautical miles below the military demarcation line. The submarine was initially detected moving away from the Republic of Korea coast under its own power, showing no evidence of mechanical problems or being in any distress, when it sailed into a Republic of Korea civilian fishing net, which temporarily stopped its movement. Crew members reportedly attempted to cut the submarine free. After clearing much of the net, the submarine again proceeded under its own power for another two nautical miles, at which point Republic of Korea naval vessels blocked its path. At the time of the initial sighting, the location of the submarine was verified by a fisherman's global positioning system, and its position inside Republic of Korea territorial waters was later confirmed by military position-locating equipment. From the time of initial sighting until apprehension, the submarine never left the territorial waters of the Republic of Korea. Despite numerous efforts by the Navy of the Republic of Korea to communicate with the crew, the North Korean crewmen ignored them and would not emerge from the submarine. The Navy proceeded to tow the submarine to a South Korean naval base in order to investigate the circumstances surrounding its discovery in Republic of Korea territorial waters. On 24 June, as the Navy was towing the submarine, it sank in 30 metres of water. On 25 June, the Navy raised the Yugo and towed it to the Dong Hae naval base. The Navy had to cut open the submarine because the North Korean crew had locked it from the inside. The special investigation team of the United Nations Command was present throughout the recovery and opening of the submarine, and it determined that prior to those activities the nine crewmen on board had died at their own hand. After the bodies were removed, equipment and documents were found that were for the specific purpose of supporting infiltration, intelligence collection and special operations activities. A logbook discovered on board detailed the mission of the submarine. Equipment discovered on board included four Skorpion machine pistols, three AK-68 automatic rifles, two RPG-7s, plastic explosives, non-electric blasting caps, grenades, three complete sets of diving gear, a video camera, a tape recorder, a portable radio, civilian clothing packed in waterproof bags, charts of waters and inland maps of the Republic of Korea and bottles of South Korean manufacture. The submarine infiltration was the primary topic of discussion at three general officer meetings held in Panmunjom, during which the United Nations Command officially protested violation of the Armistice Agreement, paragraphs 12 and 15. KPA claimed that its submarine had had mechanical problems while on a training mission and had drifted south, and that, instead of rendering aid, the South Koreans had allowed the crew to die. The United Nations Command eventually repatriated the remains of the nine crew members to KPA through Panmunjom;

(e) On 12 July the body of a suspected North Korean infiltrator was discovered on the east coast of the Republic of Korea. All equipment recovered from the infiltrator was contained on or within the wetsuit, with the single exception of a swimmer delivery vehicle, recovered one kilometre to the south. None of the equipment recovered from the infiltrator, including the swimmer delivery vehicle, could be verified as being of North Korean make. The swimmer delivery vehicle is of unknown origin and appeared to be a self-manufactured model. The majority of the scuba

equipment, including an underwater transmitter/receiver, was of Japanese make. Also recovered was a Czech model-61 Skorpian machine pistol. It appeared that the infiltrator had been dead for less than 24 hours. There were no visible wounds and the cause of death could not be determined. The United Nations Command protested the infiltration at the third general officer meeting as an Armistice violation and offered to return the remains. KPA refused to accept the remains, claiming that the incident was a South Korean fabrication.

34. On 18 December a North Korean improved submersible infiltration landing craft (I-SILC) was detected in Republic of Korea territorial waters near Yosu Do island moving in a south-easterly direction. When the Republic of Korea Navy attempted to intercept the I-SILC, it responded by attempting to escape at high speed, firing RPG-7s and small arms at the pursuing vessels. Republic of Korea naval ships eventually returned fire, hitting the I-SILC and rendering it dead in the water. The North Korean crew continued firing at the Republic of Korea ships and were sunk after receiving additional fire. The Republic of Korea Navy recovered one body at the site. (Note: The Republic of Korea Navy eventually discovered the sunken I-SILC and was able to recover an additional body from it on 22 January 1999 using a submersible craft. On 17 March 1999, the Navy salvaged the vessel, recovering four additional North Korean bodies along with associated infiltration equipment.)

F. Repatriation ceremonies in Panmunjom

35. A number of repatriation ceremonies were conducted in Panmunjom throughout the year. The United Nations Command MAC Secretariat and the United Nations Command Honour Guard handled the repatriation of all military personnel:

(a) On 25 May KPA repatriated the remains of two United Nations Command soldiers killed during the Korean War to the United Nations Command in Panmunjom. A bilateral United States-KPA team conducting the first 1998 joint remains recovery operation in North Korea recovered the remains at a former Korean War battle site. KPA refused to return the remains on the scheduled date and agreed to do so only after the United Nations Command had made concessions in the wording of the general officer procedures document, which led to the first general officer meeting;

(b) On 3 July the United Nations Command repatriated to KPA in Panmunjom the remains of the nine North Korean crew members from the captured Yugo submarine;

(c) On 24 July KPA repatriated the remains of three United Nations Command soldiers killed during the Korean War to the Command in Panmunjom. Those remains were recovered during the second 1998 bilateral United States-KPA joint recovery operation in North Korea;

(d) On 13 August the United Nations Command repatriated to KPA in Panmunjom the remains of a drowned KPA soldier who had drifted into the south;

(e) On 4 September KPA repatriated the remains of three United Nations Command soldiers killed during the Korean War to the Command in Panmunjom. Those remains were recovered during the third 1998 bilateral United States-KPA joint recovery operation in North Korea;

(f) On 9 October KPA repatriated the remains of five United Nations Command soldiers killed during the Korean War to the Command in Panmunjom. Those remains were recovered during the fourth 1998 bilateral United States-KPA joint recovery operation in North Korea;

(g) On 6 November KPA repatriated the remains of nine United Nations Command soldiers killed during the Korean War to the Command in Panmunjom. Those remains were recovered during the fifth and final 1998 bilateral United States-KPA joint recovery operation in North Korea.

G. Re-establishment of general officer-level dialogue

36. Following the Commander-in-Chief's appointment of a Republic of Korea army general as the United Nations Command senior member of MAC in 1991, KPA refused to accept his credentials or meet with him. It boycotted a call by the Command for a MAC meeting in May 1992, claiming that the Republic of Korea's senior member was not qualified to represent the Commander-in-Chief of the United Nations Command since the Republic of Korea was not a member of the original Command and had not signed

the Armistice Agreement, and it has not met in MAC since. In April 1994 KPA recalled its MAC members and staff, calling for the establishment of a "new peace-ensuring mechanism" to replace MAC. The North Koreans subsequently established the KPA Panmunjom mission, using officers who had been part of the KPA MAC delegation.

37. In 1995 the United Nations Command MAC Secretariat and KPA began negotiations to re-establish a general officer channel of communication. KPA initiated this effort in order to establish a bilateral United States-KPA channel and to renegotiate the Armistice Agreement. The Commander-in-Chief of the United Nations Command wanted to restore a crisis management dialogue channel, but consistently maintained that it must be between the United Nations Command and KPA. By February 1997, KPA appeared to moderate its position on the bilateral nature of this channel, verbally agreeing to recognize the United Nations Command as its dialogue partner. It also accepted that general officer dialogue would be limited to Armistice issues, each side's delegates would have an equal voice and meetings would be held in the MAC conference room in the joint security area. In February 1998 the United Nations Command presented a formal general officer procedures document to KPA for its review and called for a general officer meeting. Following this several Secretary-level meetings were held in order to obtain a signed agreement. Although it initially appeared that KPA was prepared to accept the procedures document, talks eventually broke down over references in the document to MAC and over who would be head of the United Nations Command delegation. On 15 May KPA refused to return the remains of United Nations Command soldiers killed during the Korean War and recovered during the first joint United States-Democratic People's Republic of Korea remains recovery operations, linking it to the general officer negotiations. KPA cited United Nations Command unreasonableness on the wording of the general officer procedures document and the issue of who would be the head of the Command's delegation. Finally, after receiving support from the Government of the Republic of Korea, the United Nations Command made concessions to KPA, removing all references to MAC in the procedures document and identifying the United States MAC member as the head of the United Nations Command general officer delegation. Following this, the United Nations Command and KPA signed the document and a date was established for the first general officer meeting. The first general officer meeting between the United Nations Command and KPA was held on 23 June, the day after a North Korean Yugo-class submarine was discovered and captured in territorial waters of the Republic of Korea off the east coast. This infiltration and a subsequent attempt by a North Korean diver became the primary focus of the first three meetings. KPA, on the other hand, stated that the general officer meetings were not for discussing such issues, but rather were for establishing a new mechanism to replace MAC. At a subsequent general officer informal meeting, KPA presented a proposal for a United States-Republic of Korea-KPA joint military mechanism, which would be a replacement for MAC. KPA has stated that there was no United Nations Command and that the primary parties to the situation on the peninsula were KPA and the United States. It stated that the South Korean Army should participate in this organization since it had a large army, which was under the United States. This proposal was a clear attempt by KPA to undermine further the United Nations Command and the Armistice Agreement. The United Nations Command rejected this proposal, and KPA responded that it would no longer meet with the Command.

38. For over 46 years, MAC has served as the primary official channel of communication between the opposing military commanders in Korea. Despite the current impasse, the United Nations Command will continue to perform its unique role in the defence of the Republic of Korea and in maintaining the Armistice Agreement until an effective and enduring mechanism to ensure durable peace on the Korean peninsula is established.

III. Conclusions

39. The maintenance of timely and effective communication between the commanders of the opposing military forces is vital to preclude the escalation of incidents, thereby preventing the resumption of hostilities. All parties to the Korean Armistice Agreement (the United Nations Command, KPA and CPV) have played a role in this vital activity for more than 46 years. To continue this vital mission until a more durable peace is attained, both sides must fully cooperate to preserve the existing means of communication through the Armistice mechanism —

MAC, which is an integral part of the Armistice. The United Nations Command will continue its efforts to implement the Armistice Agreement and thereby contribute to a stable environment conducive to south-north dialogue to achieve the ultimate goal of a durable peace on the Korean peninsula.

Notes

[1] See *Official Records of the Security Council, Eighth Year, Supplement for July, August and September 1953*, document S/3079.